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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/755,520

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Larry Keith Bruening

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EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,520	<b>Applicant(s)</b> BRUENING ET AL.	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-23 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-23 and 25-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on August 01, 2008 has been entered. Claims 1, 8, 13, 18, 25, 28, 32, 39, and 41 have been amended. Claims 6, 7, and 24 have been cancelled. No claims have been added. Claims 1-5, 8-23, and 25-41 are now pending in this application, with claims 1, 8, 13, 18, 25, 28, 32, 39, and 41 being independent.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 9 recites the limitation "The media" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-23, and 25-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bravin et al. (US Patent Application, Pub. No.: US 2006/0026001 A1).
5. In regards to claims 1, 8, 13, 18, 25, 28, 29, 32, 39, and 41, Bravin discloses a method, computer-readable media, and system for routing a communication request to help facilitate a call between a user (See Fig. 2 and deaf/hard of hearing party 13) and a desired recipient (See Fig. 2 and hearing party 3) by making use of an intermediary agent ("agent") (See Fig. 2 and interpreter/relay interpreter 21) (See Abstract), the method comprising: receiving said communication request from a user, wherein said communication request includes a request to ultimately reach said desired recipient (See pg. 1-2, paragraph [0009]); retrieving a set of preferences (e.g., profile) associated with said user (See pg. 2. paragraph [0010]); retrieving profile data (e.g., the language in which the relay interpreter is skilled in) related to a plurality of agents who may respond to said communication request (for example, each relay interpreter may be skilled in a particular language, and the VRS is enabled to select the relay interpreter that best meets the needs of the subscriber for the particular video call); selecting a

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specific agent from said plurality of agents based on said set of preferences and said profile data, wherein said specific agent possesses attributes (e.g., language skills) consistent with at least a portion of the set of preferences and profile data; and routing said communications request to said specific agent, who is able to receive said communications request and facilitate said call (See pg. 6, paragraph [0050]).

6. In regards to claim 2, Bravin discloses the method, wherein receiving said communications request includes receiving said requests via a communications network (See Fig. 2 and access network 25) (See pg. 2-3, paragraph [0025]).

7. In regards to claims 3 and 33, Bravin discloses the method, wherein said communications network is the Internet (See pg. 3, paragraph [0026]).

8. In regards to claim 4, Bravin discloses the method, wherein said set of preferences associated with said user includes the following: a language preference; and a communications-type preference, wherein said communications-type preference includes a preference to communication via voice, tele-type (TTY) device; or imaging (See pg. 1, paragraph [0002] and pg. 1-2, paragraph [0009]).

9. In regards to claim 5, Bravin discloses the method, wherein retrieving profile data includes retrieving data associated with the following attribute: a language proficiency (See pg. 2, paragraph [0010]).

10. In regards to claim 9, Bravin discloses the media, wherein receiving said request includes receiving said request through a communications network, said communications network including a voice network, a data network, or video network (See pg. 3, paragraph [0026] and pg. 3, paragraph [0029]).

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11. In regards to claim 10, Bravin discloses the method, wherein said set of attributes includes the following: a language proficiency (See pg. 6, paragraph [0050]).

12. In regards to claim 11, Bravin discloses the method, wherein said source information includes an Internet Protocol (IP) address; an indication of a calling number from which the request originated; and an indicator of a called number to which the request was made (See Fig. 6; Fig. 7; pg. 3, paragraph [0026]; and pg. 5-6, paragraph [0048] - [0049]).

13. In regards to claims 12 and 38, Bravin discloses the method, wherein directing said communication to said identified agent includes placing said request in a queue based on said referencing (See pg. 6, paragraph [0050]).

14. In regards to claims 14 and 19, Bravin discloses the method, wherein said communications request is to reach a destination address, including an IP address or phone number (See Fig. 6; Fig. 7; pg. 3, paragraph [0026]; and pg. 5-6, paragraph [0048] - [0049]).

15. In regards to claim 15, Bravin discloses the method, wherein said communications request is a request to establish a communications link between at least two parties, wherein a human agent is communicatively disposed between said at least two parties and facilitates persistent communication between said at least two parties (See pg. 1-2, paragraph [0009] and pg. 6, paragraph [0050]).

16. In regards to claim 16, Bravin discloses the method, wherein said set of preferences are associated with an origination address of said request, said origination

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address including a phone number (See Fig. 6; Fig. 7; pg. 3, paragraph [0026]; and pg. 5-6, paragraph [0048] - [0049]).

17. In regards to claims 17 and 27, Bravin discloses the method, wherein routing said communications request to a specific agent includes identifying said specific agent prior to when said routing requests reach a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said identified agent (See pg. 6, paragraph [0050]).

18. In regards to claim 20, Bravin discloses the method, wherein said signaling information includes packetized machine language messages related to said communications request (See pg. 3, paragraph [0026] – [0027]).

19. In regards to claim 21, Bravin discloses the method, wherein said signaling information includes a source identifying a source of said communications request (See pg. 3, paragraph [0026]).

20. In regards to claim 21, Bravin discloses the method, wherein said signaling information further includes a target address identifying a dialed number associated with said communications request (See pg. 5-6, paragraph [0048] - [0049]).

21. In regards to claims 22 and 31, Bravin discloses the method and system, wherein denoting said hierarchy includes identifying a single best agent to satisfy said communications request (See pg. 6, paragraph [0050]).

22. In regards to claim 26, Bravin discloses the method, wherein said one of a plurality of receiving components includes one or a plurality of call centers (See Fig. 2 and video communications relay service (VRS) center 19).

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23. In regards to claim 30, Bravin discloses the system, wherein said signaling information identifies a source and a destination of said communications request (See Fig. 6; Fig. 7; pg. 3, paragraph [0026]; and pg. 5-6, paragraph [0048] - [0049]).

24. In regards to claim 34, Bravin discloses the method, wherein monitoring said plurality of agents further includes persistently observing the availability of said plurality of agents (See pg. 6, paragraph [0050]).

25. In regards to claim 35, Bravin discloses the method, wherein monitoring said plurality of agents further includes persistently observing a plurality of attributes related to said agents (See pg. 6, paragraph [0050]).

26. In regards to claim 36, Bravin discloses the method, wherein extracting source information from said communications request includes extracting signaling information (See pg. 3, paragraph [0026] – [0027]).

27. In regards to claim 37, Bravin discloses the method, wherein said signaling information includes signaling System 7 (SS7) information (See pg. 2-3, paragraph [0025] and pg. 3, paragraph [0027]).

28. In regards to claim 40, Bravin discloses the method, wherein matching said initiator to one or more of said agents includes comparing said set of preferences with said profile data and determining similarities between said preferences and said profile data (See pg. 6, paragraph [0050]).



***Response to Arguments***

29. Applicant's arguments with respect to claims 1-5, 8-23, and 25-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

31. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

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33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614